

**REMARKS**

The objections to the Abstract and Claims have been addressed.

Reconsideration of the rejection of Claims 1-17 under 35 U.S.C. § 112, ¶ 2, is respectfully requested, particularly in view of the foregoing amendments that are considered a *bona fide* effort to address the Examiner's points to the extent deemed necessary and appropriate for one of ordinary skill in the art to understand the metes and bounds of the invention. In this connection, we note that Claims 2, 5, 7, 10, 12 and 15 have not been rejected over the prior art. Those claims should now stand allowed as should Claims 13 and 14, now directly or indirectly dependent on Claim 12.

The rejection of Claims 1, 3, 4, 6, 8, 11, 13 and 14 as being anticipated by DE '302 under 35 U.S.C. § 102(b) or, in the alternative, obvious thereover under 35 U.S.C. § 103(a) is traversed, and reconsideration is respectfully requested.

In the draw-type ashtray disclosed in the DE '302 document, the ashtray is prevented from moving back into the housing when the lighter is pushed solely by the slide control mechanism 34, 36 that constitutes a locking device that maintains the lighter holder 18 in its upright position. The spring situated between the housing and the rear area of the ashtray has a linear characteristic curve. The clear distinction between a linear characteristic curve and a

progressive characteristic curve is well understood by those of ordinary skill in this art.

Applicants have been able to eliminate the special form of locking device by configuring a spring with a progressive characteristic curve that reliably prevents the ashtray from automatically sliding into its closed position when the lighter is pushed into its holder. In this regard, Fig. 2 clearly shows that the spring force  $F_F$  when the ashtray is in its open position is greater than the oppositely directed force component  $F_{2H}$  arising from the force that acts upon the ashtray in the opposite direction when the lighter is pushed into its holder. There is not the slightest suggestion of this elegant approach in the DE '302 document.

That is, the prior art neither teaches nor suggests an approach in which the spring is configured so as to have a progressive spring characteristic curve such that the force  $F_F$  which acts on the ashtray in the extended use position B thereof and which pushes the ashtray outward is larger than the force component  $F_Z$  which acts in the opposite direction when the cigarette lighter 6 is pushed in, i.e., actuated in the plane of the force  $F_F$ .

Accordingly, early and favorable action upon Claims 1-10 and 12-15 is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52516US).

Respectfully submitted,

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